

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Karyl Clarke,

Plaintiff

v.

City of North Las Vegas, et al.,

Defendant

Case No. 2:24-cv-01047-CDS-BNW

**Order Adopting Magistrate Judge's
Report and Recommendation**

[ECF No. 16]

United States Magistrate Judge Brenda Weksler previously screened plaintiff Karyl Clarke's complaint. Screening order, ECF No. 10. In that order, Judge Weksler gave Clarke the opportunity to file an amended complaint. *Id.* at 6. Clarke chose to file his first amended complaint on July 19, 2024. ECF No. 11. Now, following a review of Clarke's amended complaint, Judge Weksler issued a second screening order and report and recommendation (R&R). ECF No. 16. Therein, Judge Weksler recommends that some of Clarke's claims be dismissed with prejudice and others without leave to amend. *Id.* at 16–19. Clarke had until March 31, 2025, to file any objections to the R&R. *Id.* at 4 (citing LR IB 3-2(a) (stating that parties wishing to object to the magistrate judge's findings and recommendations, must file specific written objections within fourteen days)); *see also* 28 U.S.C. § 636(b)(1)(C) (same). To date, Clarke has not objected to the order or the recommendations nor has he requested more time to do so. "[N]o review is required of a magistrate judge's report and recommendation unless objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Having made an independent review, I find the R&R well-reasoned and agree with the magistrate judge's conclusions. So I accept the recommendations and adopt the report as set forth below.

Conclusion

IT IS HEREBY ORDERED that Judge Weksler's report and recommendation [ECF No. 16] is accepted in its entirety, therefore:

- Claim 1 (Fourth Amendment unlawful seizure), Claim 2 (Fourth Amendment false arrest), Claim 3 (Fourth Amendment excessive force), and Claim 4 (Fourth Amendment unreasonable search) as to defendants Sergeant Steven Wiest and Officer F. del Toro, in their official capacity, are dismissed with prejudice.
- Claim 10 (violation of 42 U.S.C. § 1983 by neglecting to prevent harm) is dismissed without leave to amend.
- Claim 11 (violation of § 1983 conspiracy) as to the City of North Las Vegas and the North Las Vegas Police Department is dismissed without leave to amend.
- Claim 12 (violation of § 1983 federal civil rights) and Claim 13 (violation of § 1983 peace officer liability) as to defendants Sergeant Steven Wiest and Officer F. del Toro are dismissed without leave to amend.
- Claim 15 (violation of § 1983 municipal liability) is dismissed without leave to amend.

Dated: May 14, 2025



Cristina D. Silva
United States District Judge